

## 2008 TRAFFICKING IN PERSON REPORT MADAGASCAR

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MADAGASCAR (TIER 1)  
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Madagascar is a source country for women and children trafficked within the country for the purposes of forced labor and sexual exploitation. Children, mostly from rural areas, are trafficked for domestic servitude, commercial sexual exploitation, forced labor for traveling vendors, and possibly mining. Young women are also trafficked for domestic servitude and sexual exploitation. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, and Diego Suarez, as well as the capital city of Antananarivo, with a significant number of children prostituted; some were recruited in the capital under false pretenses of employment as waitresses and maids before being exploited in the commercial sex trade on the coast. The main source countries for child sex tourists are France, Italy, Spain, Germany, Switzerland, Mauritius, and Reunion. Victims are usually girls, but reports of foreign male tourists seeking sex with underage boys have increased. Some internal child sex trafficking reportedly occurs with the complicity of family members, friends, transport operators, tour guides, and hotel workers. Some government officials reported significant pressure from child victims, parents to refrain from taking law enforcement action so as not to impact the family's source of income.

The Government of Madagascar fully complies with the minimum standards for the elimination of trafficking. Madagascar remains a leader in combating trafficking among sub-Saharan African countries, and has made a notable commitment to addressing the problem of child sex tourism. The government significantly increased its law enforcement efforts during the reporting period, including the adoption of a comprehensive anti-trafficking law and the punishment of local government officials who facilitated trafficking.

Recommendations for Madagascar: Utilize the newly passed anti-trafficking law to prosecute and punish traffickers; institute a formal process for law enforcement officials to document trafficking cases and refer victims for assistance; and continue investigation of and prosecute public officials suspected of colluding with traffickers or accepting bribes to overlook trafficking crimes.

Prosecution  
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Madagascar's anti-trafficking law enforcement efforts significantly improved during the reporting period, particularly in regard to legal reforms and action against local government officials, complicity in trafficking. In July 2007, the Ministry of Labor released a decree listing prohibited forms of child labor, including prostitution, domestic slavery, and forced labor, and clarifying the application of the labor code to child workers. In August, the Parliament adopted a law against child sexual exploitation that proscribes punishment for adult exploiters of children in prostitution. In December 2007, the government enacted a comprehensive law that prohibits all

forms of human trafficking though it only prescribes new punishments for sex trafficking; these range from two years, to life imprisonment, penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes. Article 262 of the Labor Code criminalizes labor trafficking, for which it prescribes penalties of one to three years, imprisonment. As there is no centralized reporting of legal cases, the government was unable to provide comprehensive law enforcement statistics for 2007.

In some tourist areas, local police appeared hesitant to prosecute child sex trafficking and child sex tourism offenses, possibly because of deep-rooted corruption, pressures from the local community, or fear of an international incident. During the reporting period, however, the government cracked down on local officials directly or indirectly involved in facilitating trafficking and the related problem of child sex tourism. In conjunction with the prosecution of the Swiss national, Madagascar's anti-corruption agency suspended the District Chief in Nosy Be for selling fake identify cards to minors, as well as the President of the Tribunal and the local prosecutor for giving the Swiss national and other child sex tourists lenient sentences. In July 2007, the Ministry of Justice removed the prosecutor and the President of the Tribunal in Fort Dauphin as punishment for their ineffectiveness in prosecuting sex tourists. During the reporting period, the government also actively cooperated with other governments in the investigation and prosecution of trafficking cases. In November 2007, two French magistrates from Reunion were removed from their positions by the administration in Reunion for complicity in child sex tourism in Madagascar; Malagasy police conducted the local investigation. In July 2007, the government, in collaboration with UNICEF and a local NGO, completed a one-year program to train police, gendarmes, magistrates, and social workers in the protection of children, including how to recognize, investigate, and prosecute instances of trafficking.

#### Protection

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The government sustained its efforts to assist trafficking victims. The government's Welcome Centers in Antananarivo, Tamatave, and Tuléar assisted 105 victims of child labor and trafficking during the reporting period and reintegrated them into schools or vocational training. The centers, physicians provided medical and counseling services to victims, while labor inspectors taught job search skills. With foreign assistance, a fourth Welcome Center is under construction in Nosy Be. While there is no formal process to refer identified victims to NGOs for care, the three government Welcome Centers and 14 child protection networks established by UNICEF ) composed of government institutions, NGOs, and law enforcement officials ) filled this role in major cities throughout the country. For example, the child protection network in Diego Suarez brought together 22 government and NGO participants to handle individual cases of child exploitation from the initial complaint through the trial, including medical assistance, counseling, and legal advice for victims. Counseling centers run by local NGOs and supported by the Ministries of Justice and Health in Antananarivo and Fianarantsoa provided psychological support and legal advice for victims of child abuse and sex trafficking. Parents of trafficked children received advice on procedures for filing court cases, but most declined to do so, either for fear of reprisal or because of a payoff from the perpetrator. The government did not penalize trafficking victims for unlawful acts committed as a direct result of their being trafficked and encouraged them to assist in the investigation and prosecution of their exploiters. The government does not provide legal alternatives to the removal of victims to countries where

they would face hardship or retribution; undocumented foreign victims, if a case were to arise, would likely be deported.

#### Prevention

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The government's trafficking prevention efforts, through its promotion of greater awareness of trafficking, increased over the year and reached thousands of residents. In 2007, the Ministry of Justice conducted training on child trafficking and the worst forms of child labor for 70 representatives of child protection networks and women's NGOs, as well as for 120 magistrates, lawyers, and clerks. It also conducted awareness-raising sessions for over 200 residents of high-risk neighborhoods in the capital, the staff of 10 hotels in Nosy Be, and 1,000 clients of legal clinics in Antananarivo, Mananjary, and Fort Dauphin. Furthermore, ministry officials appeared on national television and radio programs educating the public about the new anti-trafficking law and distributed manuals on combating child trafficking to members of parliament, as well as distributing 1,000 copies of the penal code to police throughout the country. The State Secretary for Public Security continued its ongoing campaign to educate school students on child prostitution and legislation concerning the protection of minors. The Morals and Minors Brigade in Fort Dauphin alerted schools that child trafficking victims were contacted by exploiters via cell phone; many schools promptly banned the use of cell phones. The Ministry of Labor partnered with the Malagasy Soccer Federation to conduct campaigns against child labor in Majunga and Sambava, and established two additional Regional Committees to Combat Child Labor in the southwest and the east coast. In July 2007, the government's statistical agency, in collaboration with ILO-IPEC, launched a nationwide household survey on child labor and child trafficking. In December 2007, the government adopted the National Action Plan to Fight against All Forms of Violence against Children, which includes child trafficking.

The government continued its national awareness campaign against child sex tourism by conducting a number of law enforcement actions during the reporting year. A convicted Swiss tourist received a five-year suspended sentence and was expelled from the country. Also suspected of sexual exploitation of minors in Nosy Be, two Mauritians were expelled from the country, while two other Mauritians and two Germans were arrested, but later released due to lack of sufficient evidence. In Tamatave, a foreign restaurant and hotel owner awaits the court's verdict on charges of facilitating the commercial sexual exploitation of three waitresses, including two below the age of 18. Police took additional steps to prevent child sex tourism by permanently closing several nightclubs in Nosy Be and Fort Dauphin for allowing minors on their premises. The government also displayed posters targeting sex tourists in airports and hotels, including a full-page warning in the customs booklet given to arriving international travelers. In 2007, Madagascar's president issued a stern warning to would-be sex tourists, promising that legislation against sex tourism would be enforced.